

TRANSPORTATION DEPARTMENT[761]

Adopted and Filed

Rule making related to minor driver's licenses

The Department of Transportation hereby amends Chapter 602, "Classes of Driver's Licenses," Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code section 307.12.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 321.194 as amended by 2019 Iowa Acts, Senate File 140, sections 1 and 2.

Purpose and Summary

The amendments implement 2019 Iowa Acts, Senate File 140, which increases the driving distance that a student with a minor's school license may drive when the student attends an accredited nonpublic school (private school). Prior to the 2019 legislation, a student attending a private school was limited to driving no more than a 25-mile driving distance between the student's residence and school. Senate File 140, which was effective July 1, 2019, provides that a student attending a private school will be limited to driving no more than a 50-mile driving distance between the student's residence and school.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on August 28, 2019, as **ARC 4624C**. No public comments were received. No changes from the Notice have been made.

Adoption of Rule Making

This rule making was adopted by the Department on October 8, 2019.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the person's circumstances meet the statutory criteria for a waiver may petition the Department for a waiver under 761—Chapter 11.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rule making will become effective on December 11, 2019.

The following rule-making actions are adopted:

ITEM 1. Amend rule 761—602.2(321), introductory paragraph, as follows:

761—602.2(321) Information and forms. Applications, forms and information about driver's licensing are available at any driver's license service center. Assistance is also available by mail from the Driver and Identification Services Bureau, Iowa Department of Transportation, P.O. Box 9204, Des Moines, Iowa 50306-9204; in person at 6310 SE Convenience Blvd., Ankeny, Iowa; by telephone at (515)244-8725; by facsimile at (515)239-1837; or on the department's website at www.iowadot.gov.

ITEM 2. Amend subparagraph **602.26(4)“a”(2)** as follows:

(2) If the applicant attends an accredited nonpublic school, the statement of necessity provided to the department certifies that a need exists to drive from each residence, that the school of enrollment identified in the statement of necessity meets the geographic requirements for an applicant attending an accredited nonpublic school set forth in Iowa Code section 321.194 as determined by the primary residence identified in the statement of necessity, and that the secondary residence identified in the statement of necessity is no more than ~~25~~ 50 miles driving distance from the school of enrollment.

ITEM 3. Amend rule **761—602.26(321)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code sections 321.177₂; 321.180B₂; 321.189₂; 321.194 as amended by 2019 Iowa Acts, Senate File 140, sections 1 and 2; and 321.196.

[Filed 10/8/19, effective 12/11/19]

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